

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, NOVEMBER 24, 2020 (WEBEX)

I. CALL TO ORDER

Mayor Pro-Tem West called the Webex virtual meeting to order at 5:00pm. Council members in attendance: Clompus, West, Grover, Davies. **Mayor Ladwig was absent.** City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Attorney Russ Gans. Approximately 18 attendees were present online at the beginning of the meeting.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE AGENDA

Motion (Davies/Clompus) to approve the agenda as written. Passed 4-0.

IV. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Dick Bruce – Trinidad

Concerned with a rise in recent burglaries and vehicle thefts. Please request HCSO night coverage.

Dorothy Cox – Trinidad

Nine residents were hit by thieves over the last few weeks. Support evening coverage by the HCSO, or private security.

Anita Thompson – Trinidad

Concerned with people sleeping in vehicles overnight. Has the HCSO contract been renegotiated? We need evening coverage.

Norman Thompson – Trinidad

Supports requesting night law enforcement.

Tom Kissinger – Trinidad

My vehicle was broken into, and I support the request for night security coverage.

Dwight Miller – Trinidad

Agree that Trinidad needs law enforcement presence at night.

Doug – Trinidad (Ocean Ave)

Need law enforcement coverage after-hours.

Bryce Kenny – Trinidad

There are only 2 ways in and out of town. Maybe we need to consider having a night watchman on duty..

City Manager Eli Naffah noted that HCSO is currently conducting several patrols through Trinidad at night. and contract negotiations will begin sometime in January.

V. CONSENT AGENDA - None

VI. DISCUSSION/ACTION AGENDA ITEMS

1. Review/Consider COVID-19 Infection Rates and potential further responses. Items to consider: (1) Update on Federal, State and County of Humboldt Health Orders/Directives; (2) Options for Implementation of State and County of Humboldt Health Officer Orders; and (3) Potential for Special Meeting and Urgency Ordinance Adoption if warranted.

City Manager Naffah explained that included in the meeting packet are several of recent travel advisories made by Local and State and Health Officials. Other cities vary in how they're conducting business with the public going forward.

Council questions included:

Grover: Where are we at with implementing the guidelines?

Clompus: The State issued a travel advisory. Now we're in the Purple Tier, which cuts back on public hot tub and gym occupancy in hotels. What was the thought process earlier this year when Trinidad shut-down STR's?

Davies: In March we followed County restrictions, which triggered the closure. If a business is open, they need to follow the County's re-opening certification process.

City Attorney Gans noted that the County maintains a list of certified businesses.

City Manager Naffah added that the closure in March (and subsequent reopening in June) was tied to the County's Shelter-in-Place Order. The City's Resolution in March excluded essential travel from the moratorium.

West: I would like to see the Town Hall locked to prevent people coming in without masks. **Davies** and **Clompus** agreed.

Public comment included:

Anita Thompson - Trinidad

(Submitted written comments). Recited several Covid-19 statistics and recommended closing STR's immediately.

Dwight Miller – Trinidad

Suggested the Council make a statement and shut down STR's now, allowing the moratorium to be lifted when the positivity rate drops below 2% for 3 weeks, for example. A resolution should be drafted quickly, possibly rewarding exceptions for good players. The B&B is operating without certification, and there may be other STR's operating illegally.

Dorothy Cox – Trinidad

The Trinidad Bay Bed & Breakfast did not follow guidelines or receive a Covid re-opening plan from the County.

Jonna Kitchen – Trinidad

Owner of Trinidad Retreats. STR's were shut down for 3 months, and received Covid-19 Operating Certification from the County prior to re-opening. There have been no, known Covid outbreaks due to STR's. Shutting down lodging ahead of recommendations from the County is a problem. It creates confusion and causes a loss of revenue to the City. If the County shuts down travel altogether, I'll support it. We have been good players, but we're a highway town and people need lodging.

City Manager Naffah explained that the City Attorney suggests that if the City wishes to pursue another STR closure, it should adopt an Urgency Ordinance.

City Attorney Gans explained that the City has the authority to enforce non-compliant businesses, and may choose include (or exclude) specific travel exceptions in an Urgency Ordinance that could be adopted and implemented on the same day.

Council comments included:

Davies: We should draft the Urgency Ordinance asap and have it standing-by when needed, discouraging non-essential travel.

Grover: Agree with Davies. The levers need to be in place.

Clompus: I don't see the situation getting better anytime soon. If we want to discourage tourism, we should do it sooner than later.

West: I want to know what businesses are operating without certification.

Davies: I suggest we direct staff to 1) develop an Urgency Ordinance creating a Short-Term lodging moratorium (excluding essential workers), 2) enforce closure of any business without Covid-19 Re-Opening Certification, and 3) create a monetary penalty for non-compliant businesses.

By consensus, the Council agreed to direct staff to prepare the Urgency Ordinance.

2. Review Revised Government to Government Consultation Policy (Indian Tribes) and Consider Approval. City Manager Naffah explained that City Attorney Gans has drafted a revised policy for consideration. Gans noted that we're trying to satisfy two competing concerns in this policy. The first is to protect culturally sensitive sights that might be affected by a City project, and the other to protect the open meeting requirement that the City is bound to abide by. The proposed policy was modified to accommodate those concerns, appointing the City Manager and Planner to act as liaisons to help preserve confidentiality. When Tribal Governments request discussions with the City that involve topics of general, public interest, the policy guides you to the public meeting forum.

Gans further explained that the City received several comments and suggestions which were added to the policy. Comments were also received today by the Trinidad Rancheria but have not been incorporated into the final draft.

Council questions included:

Davies: Were all the comments received reviewed and incorporated into the policy? Gans confirmed, with the exception of the Rancheria as they arrived late this afternoon.

Grover: This is very helpful. I look forward to hearing public comment.

Clompus: Looking forward adopting this policy. Hoping this document will provide a mechanism so our complete City Council can work on collaborating with the Rancheria on topics of mutual interest, as a follow up to our recent meeting with the Yurok Tribal Council.

West: Great job. How long before we get a final draft?

Public comment included:

Jacque Hostler-Carmeson – Trinidad Rancheria CEO

The Rancheria submitted detailed comments and recommended revisions late today. The Rancheria appreciates the City's initial effort, but there is much work that needs to be done as there was no consultation on this document. Reading from a written statement submitted, Hostler-Carmeson explained that in the spirit of fostering a respectful consultation process, the Rancheria submitted a revised policy. We appreciate the policy going beyond the minimum requirements, but there's no reference to the context this policy will operate. Many of the Councilmembers do not understand the origin of the Rancheria. The area in and around the City is the aboriginal homeland of the Trinidad Rancheria, a tribe of Yurok origin. Staff was provided with a document to provide guidance on Tribal Consultation. The City and Rancheria have worked together in partnership on many projects, including the Pier reconstruction.

Shirley Laos – Trinidad Rancheria

In addition to Government to Government consultations, the City needs to continue with education. The Council should fully understand all aspects of G2G. I'm concerned with the City Manager stating "Tribe" or "Rancheria". They are the same thing. Please use consistent terminology such as "Federally recognized Tribes".

Bryce Kenny – Trinidad

I appreciate the City Attorney's draft and welcoming input. I proposed various edits and would be happy to work with Russ Gans and the Tribes to hammer out the final version.

Sherri Provolt – Yurok Tribe

The Yurok Tribe has not had the opportunity to submit formal comments. Representatives of the Yurok Tribe would like to meet with the City and discuss this policy.

Richard Harris – Bay Area

(Submitted written comments). All comments from entities should be made public when the final draft is developed. The sooner this policy is done, the better.

Council comments included:

Davies: All public comments and contributing edits should be published on the City website. This is a general policy – not tailored to one entity or one tribe. I'm not in favor of going back to where we started.

*Motion (Grover/Davies) to table the draft policy until public comments are included and a final draft returns to the Council for consideration. **Passed 4-0***

3. Review request for meeting/consultation from Tsurai Ancestral Society and Consider Committee Appointment to Facilitate Meeting

City Manager Naffah explained that the Tsurai has requested several meetings with the City Council, and the Tsurai Management Team. Since the Tsurai Ancestral Society is not a tribe, we want to discuss this separate from the previous agenda item.

City Attorney Gans suggested to consider the Tsurai as subject to the same procedure, as a Tribal entity, assuming the Council wants to consult, and in a manner consistent with the Brown Act.

Clompus: I have a great deal of respect for the Tsurai Ancestral Society, and I understand they are a 501(c)3 organization. I want to respect the organization and the structure of the organization. Since they are members of the Yurok Tribe, we should meet with them and the Yurok Tribe. I don't want the Council to get tied up in knots over meeting with a non-profit, positioning it with the same amount of care as we would with a Native American Tribe. I would like to meet with them in the proper way, and hopefully with the full Council. **Grover** agreed.

Davies: I agree with some of what Clompus said, but we're also in litigation with the Tsurai and should be concerned about that.

West: I agree with Davies. We need to be very clear how to handle this within the Brown Act.

City Attorney Gans recommended that if the Council wishes to meet with the Tsurai, the discussion should be agendized. City Manager Naffah explained that the Tsurai requested a meeting with 2 Councilmembers, which was essentially an ad-hoc committee, and meeting of the Tsurai Management Team.

Public comment included:

Sarah Lindgren-Akana – Tsurai Ancestral Society

We were notified of this meeting late. We haven't had a chance to meet with our attorney about this. We request more time to discuss this with our legal counsel. I agree with some of what Clompus said, but we're not requesting consultation, or requesting a meeting. We appreciate the City trying to figure out a path forward.

Tim Seward – Attorney for the Trinidad Rancheria

The Tsurai Ancestral Society is not a Tribe. Treating this as a Government to Government meeting would be improper. Meetings of the Tsurai Management Team are also concerning as the Rancheria has requested participation on that team. We request that the City Council not continue those meetings as previously conducted as the subject matter is part of ongoing litigation as well.

City Manager Naffah explained that Ms. Lindgren-Akana wanted to review whatever the City was considering regarding the draft G2G policy.

Council comments included:

Clompus: I don't think the City has ever needed a policy to meet with a non-profit. It should be as simple as making a phone call to set up an agenda topic, or simply talk to one another. Can we request the City Manager to reach out to the Tsurai, find out what they need, and perhaps schedule a special meeting when the time is right.

West: We should let the Tsurai meet and discuss the current G2G policy and communicate with the City if they'd like to arrange a meeting. **Grover** agreed.

By consensus, the Council agreed with City Attorney Gans recommendation that a future meeting topic would be to discuss how to conduct future meetings of the Tsurai Management Team.

ADJOURNMENT: 7:25pm.

Submitted by:

_____ signed copy on file _____

Gabriel Adams
Trinidad City Clerk

Approved by:

_____ signed copy on file _____

Jack West
Mayor Pro-Tem